

**Central Administrative Tribunal
Principal Bench, New Delhi**

OA No.4198/2018

Wednesday, this the 23rd day of October, 2019

Hon'ble Ms. Nita Chowdhury, Member (A)

PK Modwill, Group 'C',
Designation: Ex-ACIO/G,
Aged about 68 years,
S/o Sh. JS Saxena,
R/o 146, Plot No.19,
Sector-5, Dwarka,
New Delhi-110075

- Applicant

(By Advocate: Mr. Anil Singal)

Versus

1. Union of India
Through its Secretary,
Ministry of Home Affairs,
North Block, New Delhi
2. Director
(Intelligence Bureau)
Ministry of Home Affairs,
North Block, New Delhi

- Respondents

(By Advocate: Mr. U. Srivastava)

O R D E R (ORAL)

This Original Application (OA) has been filed by the applicant seeking the following reliefs:-

- “1. To call the records of the case and quash/set aside the impugned order dt. 23.2.2018 and direct the respondents to grant Compassionate Allowance to applicant w.e.f. 26.9.2005.
2. To award cost in favour of the applicant and pass any other order or orders, which this Hon'ble Tribunal may deem just & equitable in the facts and circumstances of the case.”

2. When the matter is taken up for hearing, counsel for the applicant draws our attention to the decision of the Hon'ble High Court in WP(C) No. 2850/2011 and in the last para of which, the Hon'ble High Court had directed as under:-

“69. However, keeping in view the service rendered by Modwill, we would recommend to the department that if Modwill files an application seeking compensation allowance to be paid to him as per Rule 49 of the CCS Pension Rules, 1972 which permits grant of a compensation allowance to a person who has been dismissed or removed from service, the same should be considered sympathetically.”

3. Counsel for the applicant also states that the applicant had served the department for more than 20 years and therefore, his request for compassionate allowance from 26.09.2005 should be considered. He further draws our attention to the order of the respondents dated 23.02.2018 passed on his representations dated 17.4.2017 and 25.09.2017 seeking compassionate allowance and full pay & allowances for the period 14.11.2000 to 11.08.2002 and which reads as under:-

“MEMORANDUM

Reference your representations dated 17.4.17 & 25.9.17 for granting Compassionate Allowance (CA) and full pay & allowances for the period 14.11.2000 to 11.8.2002.

2. Your request for CA was duly considered by the competent authority (DIB), but could not be acceded to. As regards your request for full pay & allowances, the case is under consideration of the competent authority (the President).”

4. Quite clearly, the above disposal of the representations of the applicant is totally opaque and therefore, is liable to be set aside.

5. Hence, the respondents are directed to pass a detailed and speaking order on the aforesaid representation for compassionate allowance by the applicant within a period of 90 days from the date of receipt of a certified copy of this order.

6. With the above directions, the OA stands disposed of. Consequently the impugned order dated 23.02.2018 is quashed and set aside. No order as to costs.

**(Nita Chowdhury)
Member (A)**

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